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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SACHIN SHAH,

Plaintiff,

-against-

JUSTIN S. LUMIERE, STEFAN LORCA DE
ST PIERRE LUMIERE, LESTER L. LEVY,
AND JON DOE(S),

Defendants.

Case No. 1:13-cv-02975-LGS-SN

**NOTICE OF MOTION BY DEFENDANT LESTER L. LEVY
TO DISMISS COMPLAINT**

PLEASE TAKE NOTICE that, upon the Verified Complaint in this action [Dkt. 1] and the accompanying memorandum of law, defendant Lester L. Levy (“Levy”) will move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, on a date and time to be set by the Court, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007-1312, for an Order dismissing: (1) Plaintiff’s first cause of action for defamation with respect to all statements allegedly published or uttered prior to May 2, 2012 on the grounds that such claims are barred by the statute of limitations, and (2) Plaintiff’s second, third and fourth causes of action, and any related requested relief in the Complaint (i.e. civil

conspiracy/aiding and abetting) in their entirety for failure to state a claim upon which relief may be granted.

Dated: New York, New York
September 30, 2013

Respectfully submitted,

BRAGAR EAGEL & SQUIRE, PC

By: /s/ Lawrence P. Eagel
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